

5

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL HAWKINS-DAY,

Defendant.

Case:2:18-cr-20006

Judge: Borman, Paul D.

MJ: Stafford, Elizabeth A.

Filed: 01-04-2018 At 01:42 PM

INDI USA v. HAWKINS-DAY (SO)

18 U.S.C. § 2422(b)

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Indictment, a boy, Minor Victim One, whose identity is known to the Grand Jury, was the victim of the crimes alleged herein. Minor Victim One was a resident of the Eastern District of Michigan, was 12 years-old, and was born in 2005.

COUNT ONE

18 U.S.C. § 2422(b) — *Coercion and Enticement of a Minor*

In October and November 2017, in the Eastern District of Michigan and elsewhere, the defendant, MICHAEL HAWKINS-DAY, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to

persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: Minor Victim One) to engage in any sexual activity for which any person could be charged with a criminal offense, to include criminal sexual conduct in the first degree in violation of Michigan Compiled Laws 750.520b, all in violation of 18 U.S.C. § 2422(b).

FORFEITURE ALLEGATION

Upon conviction of the offenses charged in this Indictment, the defendant, MICHAEL HAWKINS-DAY, shall, pursuant to 18 U.S.C. § 2253, forfeit to the United States the following:

- i. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- ii. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- iii. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

If any of the property described in the paragraphs above as being forfeitable pursuant to 18 U.S.C. § 2253, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America, pursuant to 21 U.S.C. § 853(p), intends to seek forfeiture of all other property of the defendant up to the value of the above described forfeitable property.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

DANIEL LEMISCH
Acting United States Attorney

s/ Matthew Roth
MATTHEW ROTH
Assistant United States Attorney
Chief, General Crimes Unit

s/ Margaret M. Smith
MARGARET M. SMITH
SARA D. WOODWARD
Assistant United States Attorneys
211 West Fort Street, Ste. 2001
Detroit, MI 48226-3220
(313) 226-9135

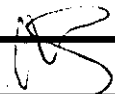
Dated: January 4, 2018

United States District Court
Eastern District of Michigan

Criminal Case Cover

Case: 2:18-cr-20006
Judge: Borman, Paul D.
MJ: Stafford, Elizabeth A.
Filed: 01-04-2018 At 01:42 PM
INDI USA v. HAWKINS-DAY (SO)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: 

Case Title: USA v. Michael Hawkins-Day

County where offense occurred : Oakland

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information — no prior complaint.
☒ Indictment/ ☐ Information — based upon prior complaint [Case number: 17-mj-30671]
☐ Indictment/ ☐ Information — based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

January 4, 2018

Date


 Margaret M. Smith
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: 313-226-0135
 Fax: 313-226-2327
 E-Mail address: margaret.smith@usdoj.gov
 Attorney Bar #: P71413

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.